

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Kenneth D. Ellison

116 Churchill Avenue

Moore, South Carolina 29369.

SCDOI File Number 2002-113444.

**Default Order Revoking
Adjuster and Appraiser's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (2002), by the State of South Carolina Department of Insurance upon Kenneth D. Ellison by both certified mail, return receipt requested, and by regular mail on September 27, 2002.

By that letter, Kenneth Ellison was informed of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. Further, he was warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, Mr. Ellison has failed to respond to the Department's letter and the United States Postal Service returned as unclaimed the letter sent by the Department. On November 8, 2002, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as both an Adjuster and an Appraiser within the State of South Carolina, Kenneth Ellison was convicted by the South Carolina Circuit Court of General Sessions, Spartanburg County, of one count each of "Breach of Trust with Fraudulent Intent, more than \$5000", on April 5, 2002, and "Receiving Stolen Goods/ over \$1000, but less than \$5000", in The State v. Kenneth D. Ellison- Criminal Docket Numbers 2002 GS4201321 and 2000GS4205506, respectively.

S.C. Code Ann. § 38-47-10 (2002) provides: "The director or his designee may revoke or suspend an adjuster/appraiser's license after ten day's notice...when it appears that an agent has been convicted of a crime of moral involving moral turpitude...." Both of these crimes involve moral turpitude. In re Derrick, 301 S.C. 367, 392 S.E.2d 180 (1990). In determining if a crime has a character of moral turpitude, the Director must consider the criminal history, according to Reg. 69-23(g)(1989).

In accordance with my findings of fact, and considering Kenneth D. Ellison's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law,

that Kenneth Ellison was convicted of a crime of moral turpitude, and that his Adjuster and Appraiser licenses should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10, *et seq.* (1991 and Supp. 2001). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (2002).

It is therefore ordered that Kenneth D. Ellison's license to transact business as a adjuster and appraiser within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Kenneth Ellison is currently licensed, through the State of South Carolina Department of Insurance, as an adjuster and an appraiser within the State of South Carolina.

This order takes effect upon the date of my signature below.

A handwritten signature in black ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

12 November 2002, at
Columbia, South Carolina

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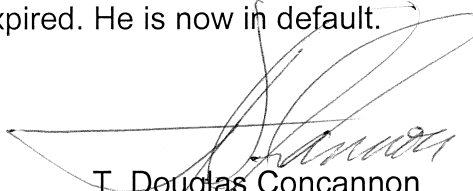
Affidavit of Default

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

The Department served notice on Kenneth D. Ellison at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as adjuster and appraiser within the South Carolina in 30 days. The Department served the Notice, pursuant to § 38-3-170 of the South Carolina Code, by depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested. The Notice further informed Ellison of his opportunity, within thirty days, to request in writing a public hearing.

The Department mailed the Notice by certified mail, return receipt requested, and by regular mail, on or about September 27, 2002. The United States Postal Service notified Ellison of the certified letter on October 22, 2002. See "Exhibit A" attached. The United States Post Office at Moore, South Carolina then returned the certified letter, having marked it as "Unclaimed." The Notice sent via regular mail was not returned.

Ellison has made no request for a public hearing or any other response to the Notice. The time in which to do so has expired. He is now in default.


T. Douglas Concannon
Associate General Counsel

Sworn to and subscribed before me
This 12th.day of November, 2002


Steve Dubois
Notary Public for the State of South Carolina
My Commission Expires: May 10, 2009